



Written by [Warren Mass](#) on June 18, 2014

## Despite Mexican Claims, Illegal Immigration Into U.S. Is a Crime

With waves of illegal immigrants traveling the length of Mexico from Central America to the U.S. border, many Americans wonder why our neighbor to the south allows this mass illegal migration to proceed unhindered. Furthermore, how do Mexican authorities regard this virtual army of immigrants that continues to cross the border into the United States? Are they merely displaced persons to be sent on their way, or lawbreakers that Mexico should cooperate with U.S. immigration authorities to apprehend and deport back to their country of origin?



A recent statement from a press officer at the Mexican Embassy in Washington, D.C. provide an insight into Mexico's view of illegal border crossings to the United States.

During an interview with MRCTV outside the Mexican Embassy on June 12, Ariel Moutsatos, head of the embassy's Press and Public Affairs office, said that those who cross an international border illegally are not committing a crime: "When a Mexican, or any other citizen, crosses a border, let's say illegally, they are not committing a crime. They are doing it illegally, but they are not committing a crime."

When demonstrators shouted "It's a crime," Moutsatos was visibly irritated and continued in a tone of voice uncharacteristically harsh for a representative of a diplomatic mission: "No, they are not. Check your law."

The news team was outside the embassy to report on another incident: a group of demonstrators participating in a protest organized by Conservative Victory PAC demanding the release of a former U.S. Marine sergeant, Andrew Tahmooressi, who was arrested after inadvertently crossing the border into Tijuana, Mexico, on March 31 with three registered guns in his truck.

"I accidentally drove into Mexico with 3 guns, a rifle (AR-15), a .45 cal pistol and a 12 gauge pump shotgun with no intentions on being in Mexico or being involved in any criminal activity," Tahmooressi wrote in a statement to U.S. politicians.

Moutsatos attempted to calm the protesters, who were obviously impassioned about Tahmooressi's plight, by telling them, "This is not a war."

"Regardless of intentions, Mr. Tahmooressi crossed into Tijuana with weapons. Anyone carrying weapons is committing a crime," he said. "He crossed into Mexico as a tourist. He was not on active duty, and he has accepted he crossed four times prior to that."

When MRCTV news reporter Dan Joseph interviewed Moutsatos, Moutsatos diverted the discussion from Tahmooressi to how Mexicans charged with crimes in the United States are treated. Moutsatos asserted that "tens of Mexican citizens who have committed 'crimes' — allegedly — [are] in, for



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example, Texas jails. Those Mexican citizens didn't receive the benefit of consular assistance. Mr. Tahmooressi did."

One of the protesters interviewed by Joseph pointed out the selective enforcement of border security by Mexican authorities: "It seems like the Mexican Border Patrol actually woke up. We have 50-75,000 children from Central America who somehow walked all the way across Mexico."

The man interviewed was referring to an ongoing crisis we have reported about in recent weeks, in which we cited Obama administration estimates that 60,000 children unaccompanied by parents or relatives will pour into the United States this year, up from about 6,000 in 2011. Most of these children originated in Central America, illegally crossed Mexico's southern border, then traveled without being challenged by Mexican authorities for about 1,800 miles to the U.S. border. This, when a single man inadvertently crossing the border into Mexico from the United States is imprisoned.

Even former Secretary of State Hillary Clinton weighed in on the Tahmooressi incident. "I can tell you what I would be doing," Clinton said during an interview on June 17 with Fox News' Greta Van Susteren. "Burning up the telephone wires, sending envoys, not just our ambassador but others coming in, talking to the highest level Mexican officials, making it clear that this is really important to us."

Clinton said that while she assumes the State Department is doing everything it can to help Tahmooressi, "maybe we need to raise the decibels a little bit more."

"When this kind of action happens, and somebody who as you say made an accidental turn, who is serving our country, ends up in a prison, that is just unacceptable," she said. Of course, this may just be an example of Clinton playing politics ahead of a suspected presidential run in 2016.

Returning to Moutsatos' assertion that someone who crosses the U.S. border illegally is "not committing a crime," a little research demonstrates that the Mexican Embassy official's claim does not align with U.S. immigration law.

An article posted on the website of Immigration Lawyers.com, "Is Illegal Entry to the U.S. a Crime?" states:

Whether it's by crossing the U.S. border with a "coyote" or buying a fake U.S. passport, a foreign national who enters the U.S. illegally can be both convicted of a crime and held responsible for a civil violation under the U.S. immigration laws.

Under the heading, "Criminal Penalties for an Improper Entry," the article notes:

For the first improper entry offense, the person can be fined (as a criminal penalty), or imprisoned for up to six months, or both. For a subsequent offense, the person can be fined or imprisoned for up to two years, or both. (See 8 U.S.C. Section 1325, I.N.A. Section 275.)

This position was also confirmed by an article posted by the Center for Immigration Studies (CIS), "Despite Media Claims to the Contrary, Illegal Entry Is a Crime." The CIS article disputed a claim made by Brian Bennett of the *Tribune* Washington Bureau on April 3 that "Entering the country without legal authorization is not a crime."

Mike Nicley, who wrote the CIS article, said that Bennett's information "will certainly shock many thousands of aliens serving time in federal jails after being arrested, tried, and convicted for entering the United States without legal authorization."

Nicley stated that "8 USC § 1325 is the federal criminal statute that outlines the elements of illegal



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entry and establishes penalties for the crime.” He continued by reporting: “8 USC § 1326 is the federal criminal statute that outlines the penalties associated with illegal entry by aliens who have been previously deported and/or have a criminal history.”

Nicley concluded:

Depending upon an alien’s criminal history, the crime of entering the United States without legal authorization can expose them to fines and imprisonment for six months, two years, 10 years, or 20 years. Serious time for serious crimes. President Obama’s refusal to enforce laws that are not to his liking has no bearing on federal statutes enacted to identify and penalize criminal activity.

Perhaps Señor Moutsatos should do some research of his own before publicly making statements that are easily proven false.

*Photo of illegal immigrants being escorted by Border Patrol agents: AP Images*



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